

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

VICTIM RIGHTS LAW CENTER *et al.*,

Plaintiffs,

v.

ELISABETH D. DEVOS *et al.*,

Defendants.

Case No. 1:20-cv-11104-  
WGY

**DEFENDANTS' SUPPLEMENT TO THE CERTIFICATION  
OF THE ADMINISTRATIVE RECORD**

I, Kathryn A. Ellis, pursuant to the provisions of 20 U.S.C. § 3472 and the authority delegated to me from the General Counsel of the U.S. Department of Education, do hereby declare as follows:

1. I am the Assistant General Counsel for the Division of Education and Equity in the Office of the General Counsel, United States Department of Education ("Department"). I have served in this capacity since August 2011. In this capacity, I provide, and supervise the provision of, legal advice and services to the Department on civil rights, special education and vocational rehabilitative services, and other equity issues.
2. Previously, the Department lodged the administrative record and supplements to the administrative record concerning the issuance of the Title IX Final Rule that has been challenged in this case, Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 85 Fed. Reg. 30,026 (May 19, 2020).
3. After consultation with Plaintiffs' counsel in the related case, *Commonwealth of Pennsylvania, et al. v. DeVos*, No. 1:20-cv-01468 (D.D.C.), the Department has supplemented the administrative record to include: 1) an Excel version of the document previously produced in PDF format at AR\_294861-29493; and 2) a PDF

version of the document previously produced in Excel format at AR\_294860.

4. To the best of my knowledge, the documents supplementing the administrative record here represent a true, accurate, and complete set of the additional materials directly or indirectly considered by Department decision makers in the process of developing the Final Rule, regardless of whether the materials support or are contrary to the decision.
5. The statements made in this declaration are based upon my personal knowledge and the information provided to me in the course of my official duties.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Executed on

11/25/2020

Respectfully submitted,

A handwritten signature in black ink, reading "Kathryn A. Ellis". The signature is written in a cursive, flowing style.

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KATHRYN A. ELLIS  
Assistant General Counsel  
Division of Educational Equity  
Office of the General Counsel  
United States Department of Education